

REMARKS

Claims 38-58 are pending in the present invention, and all the claims are restricted.

Applicant provisionally elects Species IB-III-III-IBB, which are associated with claims 38-43 and 45-47, with traverse. Claim 38 is a generic claim.

The special technical feature is a substance having both a high neutron capture cross-section and an electrolytically precipitable metallic substance. The Examiner asserts that the application contains claims directed to more than one species of the generic invention under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. In particular, the Examiner asserts that the special technical feature is not novel in view of Wang U.S. 4,238,299 (hereinafter "Wang"). Applicant respectfully traverses.

Wang does not teach or suggest a high neutron capture cross-section and an electrolytically precipitable metallic substance. The inventive feature leads to incorporating the substance having the high neutron capture cross-section into a matrix of an electrolytically precipitable metallic element to be electrolytically precipitated from a dispersion bath on a base material to form the inventive coating. This results in a surface of the object to be coated having the characteristic of being suited to absorption of neutron radiation. The substance having the high neutron capture cross-section has as its major characteristic a good absorption characteristic for neutrons. As described with the description of the specification, providing a coating being suited for absorption of neutron radiation is very expensive and requires many manufacturing steps. The special technical feature of both a high neutron capture cross-section and an electrolytically precipitable metallic substance overcomes those problems. Accordingly, the special technical feature is novel and Applicants respectfully request that the election requirement be withdrawn.

In addition, claims 38-47 also include an additional special technical feature, as follows: "intermittently generating a relative movement between the respective surface to be coated and the dispersion bath **during the coating process.**" (Emphasis supplied.) Wang does not disclose or teach that limitation. Wang teaches that the particles must be mixed with

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the electrolyte by using stirrers to receive a homogeneously mixed electrolyte. In addition, when the coating process with boron carbide particles starts, Wang requires that the stirrers be switched off and to avoid any movement so that the boron carbide particles can settle onto the surface of the workpiece to be coated. Thus, the coating of the boron carbide in Wang is driven only by gravitation. Thus, during the coating process of the workpiece, there is no relative movement between the respective surfaces to be coated and the dispersion bath. See column 3, lines 28-31. After the stirrers are switched off and the particles have settled, the layer of boron particles is electrolytically covered with copper. The copper coating on top of the particles is built thereby as well as in the spacings between the particles on top of the surface.

Thus, claim 38 is novel over Wang for this additional reason. In addition, this special technical feature is included in each of the dependent claims. Accordingly, there is unity of invention for claims 38-47 and the election requirement is improper as to those claims.

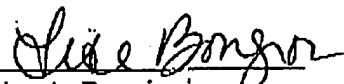
In addition, Applicant notes that the International Searching Authority has not objected to the unity of the present application. None of the references cited by the International Searching Authority were found by the International Searching Authority to be lacking as to novelty or inventive step.

Based on the amended claims and the arguments set forth above, Applicants respectfully request reconsideration and also request that the Examiner withdraw the election/restriction requirement.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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